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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of)
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Communications Assistance for Law) CC Docket No. 97-213
Enforcement Act)
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COMMENTS OF NORTHERN TELECOM INC.

Northern Telecom Inc. ("Nortel") hereby responds to the Commission's request for comments on several petitions seeking an extension of the October 25, 1998 compliance date specified in the Communications Assistance for Law Enforcement Act ("CALEA").¹ As explained below, Nortel anticipates that its switching products will provide the wiretap assistance technology required by CALEA ("Technology") that the Commission is considering in this proceeding. However, the current deadline of October 25, 1998, will not realistically permit Nortel to provide CALEA-capable Technology, and have it deployed and tested by the carriers. Nortel thus agrees with industry and association petitioners that an extension of time should be granted expeditiously. Nortel suggests that a blanket extension of the deadline for all manufacturers and carriers of 24 to 36 months after adoption of a final standard would provide a "reasonable time" for

^{1/} See *Communications Assistance for Law Enforcement Act*, CC Docket No. 97-213, Public Notice, Release No. DA 98-762 (rel. Apr. 20, 1998).

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compliance.² Nortel believes that such action will avoid wasting valuable resources that should be directed at designing and deploying CALEA solutions, and avoid the need for time-consuming individual petitions for extension of time.

Nortel is interested in the CALEA standard and implementation schedule because as a manufacturer, Nortel is obligated to fulfill certain statutorily-defined responsibilities under CALEA.³ Nortel and its affiliates are the leading global suppliers, in more than 100 countries, of digital telecommunications systems to businesses, universities, local, state and federal governments, the telecommunications industry, and other institutions. The company employs 24,500 people in more than 100 locations across the United States in manufacturing plants, research and development centers, and in marketing, sales and service offices.

Nortel is actively involved in the development of wireless and wireline solutions for meeting today's communications needs. Nortel's Wireless Networks division, based in Richardson, Texas, addresses global growth markets for digital cellular, PCS, and other similar CMRS offerings. Nortel's Public Carrier Networks division, headquartered in Research Triangle Park, North Carolina, has global responsibility for public carrier switching platforms, while its Broadband Networks division, headquartered in Atlanta, Georgia, has global responsibility for switching platforms used by competitive telecommunications carriers. As a major supplier of switching, transport, access and wireless systems (including all traditional and emerging technologies) to most sectors of the telecommunications industry, Nortel anticipates that its products will be affected significantly by the CALEA requirements.

Since enactment of CALEA, Nortel has participated in the development of the J-STD-025 interim technical standard, which is intended to establish a "safe harbor"

² 47 U.S.C. § 1006(b)(5).

³ 47 U.S.C. § 1005(b).

for compliance with CALEA. CALEA solutions that follow such a standard are more likely to ensure that different manufacturing platforms work together, along with providing a “safe harbor” for manufacturers and carriers.⁴ The J-STD-025 technical standard contains many, but not all, of the FBI desired capabilities and features. J-STD-025 provides an initial design target for Nortel to develop Technology for CALEA assistance, although as discussed below, Nortel requires a final standard, not an interim standard, before undertaking further significant design and development activity. Disagreement among industry, privacy groups and law enforcement over the extent of surveillance authorized by CALEA served to prolong approval of J-STD-025 until December 1997.

Law enforcement interests have filed a deficiency petition with the FCC over several “punch list” capabilities that are not contained in J-STD-025.⁵ As an accommodation to the FBI, industry standards bodies are now considering these “punch list” enhancements to the CALEA requirements. The Commission is determining in this proceeding whether any of the “punch list” items are required by CALEA. Although TIA has indicated that it anticipates a new standard, addressing the “punch list” features, will be ready for balloting resolution in January 1999, with publication by April 1999, unexpected delays in that process could occur.

If the projected timeline holds, Nortel and the other manufacturers should have a complete design target for development of CALEA solutions, addressing the “punch list” capabilities, in the first quarter of 1999. However, Nortel does not believe it would be prudent to expend significant resources developing the CALEA capabilities prior to the adoption of a final standard. The requested extension after adoption of the

⁴ 47 C.F.R. § 1006(a).

⁵ See Joint Petition for Expedited Rulemaking, filed by the Federal Bureau of Investigation and U.S. Department of Justice (filed Mar. 27, 1998).

final standard would provide the time necessary for Nortel to make CALEA-compliant Technology generally available.

In order to ensure that its products are compliant, Nortel also must know the final capacity requirements of the law enforcement interests. The final FBI capacity requirements were only published on March 12, 1998. Those requirements will affect capability design considerations, because of the interrelationship between capability and capacity that must be considered in the design of Technology for CALEA. These delays in the publication of the final capacity requirements provide a further justification for the requested extension.

Nortel, like other manufacturers, needs a reasonable time to develop solutions after a design target is identified in a standard. Generally, 24 to 36 months are needed to develop technology compatible with a given standard. Significant time, resources, and effort are generally required to design, and develop the capabilities, manufacture prototypes or other test versions of the equipment, undertake laboratory and field testing, and ensure integration and interoperability with other manufacturers' platforms. In addition, it will be necessary to ensure that Nortel's equipment will operate with the equipment of the law enforcement agencies, although Nortel is unaware whether such equipment or appropriate testbeds are available to assure proper interoperability. In light of the importance and complexity of the telecommunications network and the resulting need for thorough testing to ensure network reliability, Nortel does not believe it would be possible or wise to attempt to compress the estimated 24 to 36 month design and development timelines.

In addition, even after Nortel makes these capabilities generally available to its carrier customers, those customers will require time to deploy these new features and functions throughout their networks, and verify that their systems provide the stable capability for wiretap assistance. These tasks will be further complicated because the

carriers are likely to have a mix of manufacturers' equipment in their networks, and the carriers may have different software releases of the same manufacturer deployed in their networks. Nortel thus agrees with those firms that have petitioned for extension of the compliance date that carriers need time to test and deploy technology after it is developed and made available generally by their manufacturer supplier or suppliers.⁶

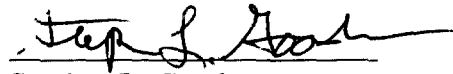
Because a stable standard has not yet even been adopted, Nortel has not had a design target to develop Technology that provides all assistance capabilities desired by the FBI for delivery to Nortel's carrier customers by the current October 25, 1998 deadline. Therefore, Nortel strongly urges the Commission to extend the October 25, 1998 compliance date until 24 to 36 months after the adoption of the necessary final standard.

Nortel has evaluated the requirements of the J-STD-025 and the additional requested "punch list" items in order to assess their impact on Nortel's DMS family of switches: the DMS-100, DMS-500, DMS-10, DMS-MTX and DMS-MSC switching platforms. In conducting this review, technical meetings were held with law enforcement, selected carrier customers, and carrier associations to clarify the requirements with the intent of providing compliant solutions with the least amount of additional cost to law enforcement and our carrier customers. Accordingly, Nortel has assessed the development implications based upon those requirements and is confident that that they are reasonably achievable on the Nortel switching platforms listed above. The timing of availability of the CALEA capabilities, however, will vary by switching platform and cannot be forecast with confidence until a final standard is stable enough to be used as a design target.

⁶ See Petition for Extension of Compliance Date, filed by AT&T Wireless Services, Inc., Lucent Technologies Inc., and Ericsson Inc. (filed Mar. 30, 1998).

Nortel requests that the Commission consider the foregoing information in its review of the deferral of the present October 25, 1998 effective date for complying with the CALEA assistance capability requirements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen L. Goodman", is written over a horizontal line.

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